



Department of Planning & Development
Planning Unit

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October 20, 2005

Kevin Pape
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

Steve Kieckhafer
Plunkett Raysich Architects
2810 Crossroads Drive
Madison, Wisconsin 53718

RE: Approval of the final plat of "Blackhawk Town Center Plat" and approval of a zoning map amendment for 39.8 acres generally located at 9602 Mineral Point Road from PUD-GDP to Amended PUD-GDP and PUD-SIP for a mixed-use church/office/retail development.

Gentlemen:

At its October 18, 2005 meeting, the Common Council **conditionally approved** your client's rezoning and final plat for the "Blackhawk Church Town Center" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following thirty (30) items:

1. The Developer shall review the right of way needs for Mineral Point Road and South Point Road with the City Engineer and City Traffic Engineer and shall dedicate additional right of way if required by the City Engineer.
2. The Developer shall review the right of way width of Ritchie Street and "A" Street where they abut the plat boundary and shall make adjustments to these rights of ways widths if required by the City Engineer.
3. The current sanitary sewer capacity is limited to approximately 65 gpm, 0.14 cfs, which will allow only a portion of the proposed development to occur. This capacity limitation will be lifted when the new Upper Badger Mill Sewer Interceptor is installed (2007 expected construction).
4. This plat is subject to fees associated with the Lower Badger Mill Creek Impact Fee District. Those fees shall be paid prior to sign off.
5. Sanitary sewer connection fees shall be levied for either the South Point Lift Station or the Lower Badger Mill Creek.

6. The Developer shall dedicate a permanent limited easement for grading and sloping to a width as required by the City Engineer adjacent to the public right of ways that abut Lots 1 through 9, 12, and Outlot 1. (All lots that are not in the initial phase and all lots abutting Mineral Point Road).
7. The Developer shall record a waiver of their right to notice and hearings for assessments for improvement of the public right of ways adjacent to all lots that are not in the initial phase of development. The Developer shall be responsible for all costs associated with the construction of the streets except that boarding streets will be assessed to adjacent properties as well. The waiver shall apply to all portions of the public infrastructure including public utilities, streets, sidewalks, street trees, and lighting.
8. Lot 8 will not have access to a public street in the foreseeable future because only half of the abutting street is being dedicated at this time. Therefore, it is unlikely that Lot 8 can be developed as a buildable lot at this time. In the event that any portion of Lot 8 is used as a parking lot, a dead restriction acceptable to the City Engineer shall be recorded that restricts the sale and further improvement of Lot 8 until such time as public improvements are made to the roadway adjacent to Lot 8.
9. The Developer shall make improvements to CTH M to facilitate access to the plat at South Point Road and at Ritchie Street. The improvements shall be coordinated with the Dane County Highway Office.
10. A note shall be added to the final plat to the effect: Lots 7, 9 and that portion of Lot 12 draining away from the public stormwater basin on Mineral Point Road shall comply with all parts of Chapter 37 MGO.
11. The Developer shall be aware that while the public retention basin intended to cover the plat for infiltration proves to be exempt from infiltration, sufficient borings were not taken to claim exemption for each lot. As a result the SIP site shall provide for infiltration in accordance with NR-151.
12. Change Ritchie Street. It conflicts with existing Ritchie Road in the Town of Middleton. Continue St. Philomena Way north through this plat.
13. Name "A" Street. Get approval of street name, prior to final plat submittal, from City Engineering and the Planning Unit.
14. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
15. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
16. The developer shall construct Madison Standard street improvements for all streets within the plat.
17. The applicant shall construct sidewalk along Mineral Point Road to a plan approved by the City Engineer.
18. The developer shall make improvements to Mineral Point Road to facilitate ingress and egress to the plat.

19. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Pre-construction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
20. The following notes shall be included on the final plat:
- a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
 - b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.
21. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

“For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. ”

No building permits shall be issued prior to City Engineering’s approval of this plan.

22. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss these requirements.
23. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation

(USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.

24. This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
25. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
26. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
27. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
28. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums and be consistent with previous formats delivered to the City by the Applicant and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
29. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
30. The Applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko). The digital copies shall be drawn to scale and represent final construction, including: building footprints, internal walkway areas, internal site parking areas, and other miscellaneous impervious areas.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following fourteen items:

31. The plat and GDP shall include a note such that no development beyond Phase 1 of a specified number of lots shall occur until such time that intersection improvements as approved by the City are made at South Point Rd and CTH S, in order to provide adequate transportation capacity to support the development.
32. The plat and GDP shall be revised to align the subject plat's western right of way line of South Point Rd with the Silicon Prairie plat south of CTH S.
33. The plat and GDP shall be revised to include right of way for two roundabout intersections at "A" Street and Ritchie and "A" Street and South Point Rd. The Traffic Engineer will provide the right of way details.
34. The current site plans lack adequate pedestrian provisions. The plat, GDP and SIP shall be revised to provide a pedestrian sidewalk plan that provides functional and attractive sidewalks in all directions, leading to all public streets and all building entrances. The pedestrian plan and provisions shall be reviewed and approved by the City Ped-Bike Coordinator, Arthur Ross, and the City Traffic Engineer. Lot line and building adjustments maybe required.
35. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights prior to sign off.
36. The applicant shall provide a deposit for future area traffic signals and associated intersection changes at the intersections the City plans to signalize. The proportional share of the cost is based on a parcel's daily trips generated as defined by the industry standard known as the Institute of Transportation Engineers' Trip Generation Manual. As of 2004, the City is assessing approximately \$30 per trip for the capital cost of improvements for this area. The deposit may be paid in development phases.
37. The final form of the right of way dedication and limited highway easement for CTH S shall be reviewed and approved after further consultation with the Traffic Engineer and City Engineer.
38. There will be access restrictions on plat for development of this final plat and shall be noted on the face of the plat as follows: *"No Access shall be granted along the southerly right of way line of Mineral Point Road."*
39. The applicant shall enter into a subdivision contract for infrastructure elements required to serve the plat, including interim or temporary improvements to serve the plat, according the City's plans and specifications.
40. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 40'.
41. When site plans are submitted for approval, the developer shall provide a recorded copy of the joint driveway ingress/egress and crossing easements available to all lots in the project. All easements shall recorded on the face of the plat and show on site plans.

42. The applicant shall modify the proposed easterly driveway onto Brader Way and the northerly driveway to South Point Road. The applicant shall be required to queue two (2) vehicles or 60 feet back from back edge of sidewalk before the drive aisle can connect to the main drive aisle at both driveway approaches.
43. The applicant shall modify and show dimensions of all the driveway approaches according to the design criteria for a "Class III" driveway in accordance to Madison General Ordinance Section 10.08(4). The proposed twenty-four (24) or twenty-six (26) ft. width for the driveway approach, and shall have two five (5) foot flares. The applicant should modify all the driveway approaches and throats to the maximum width of thirty (30) feet in width to accommodate truck service and turning vehicles. These changes shall be revised on the plan.
44. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following nine items:

45. Meet applicable State building and State setback requirements. Contact the building permit staff regarding these requirements.
46. This will be a combined GDP-SIP recording. The GDP zoning text shall be revised to reflect changes. The SIP zoning text shall be consistent with the plans as approved. The conditions as previously stated shall still apply. They are as follows:
 - a.) The zoning text shall include the "Family definition" as it applies to a specific conventional zoning district (ie R-4) per chapter 28 of the Madison General Ordinances;
 - b.) Page 26 of the GDP zoning text references "see page 33" and there is no page 33.
47. On the plat, label buildings "to be demolished."
48. Note: For future SIP approvals that include residential units, Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process.
49. The face of the plat shall include the following statement. "This subdivision is subject to the Inclusionary Zoning sections of Chapter 28 of the Madison General Ordinances. This requirement shall be satisfied by a separate recorded restriction."
50. Provide two 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
51. Provide bike parking stalls (in the amount of 1 bike stall for each 10 car stalls, except after 50 stalls the remainder can be 50 % of the requirement) in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. **NOTE: There are inconsistent numbers of car parking stalls between the plans, letter of intent and text.**
52. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping

provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

53. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .08 watts per square foot.

Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following five items:

54. Unable to scale the drawing submitted accurately to confirm fire apparatus access.

55. Provide a completed fire apparatus access as required by Comm. 62.0500 and Section 34.19 MGO as follows:
a.) provide an aerial apparatus access fire lane that is 26 feet wide, with the near edge of the lane within 30 feet of the structure and parallel to one entire side of the structure;
b.) the site plans shall clearly identify the location of all fire lanes;
c.) provide a fire lane that extends to within 150 feet of all exterior portions of the building.

56. All portions of the exterior wall of newly constructed public buildings, places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances measured along the path of the hoselay. See Section 34.20 of the Madison General Ordinances for more information.

57. Provide a completed "Fire Access and Hydrant Worksheet" with the final site plan submittal

58. Fire lanes shall be constructed of concrete or asphalt only and designed to support a minimum of 80,000 pounds.

Please contact Alan Larson, Madison Water Utility, at 266-4653 if you have any questions regarding the following two items:

59. All public water mains and water service laterals shall be installed by a standard City subdivision contract.

60. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact my office at 266-4635 if you have questions about the following two items:

61. All the required conditions of approval of the General Development Plan shall be incorporated in the final General Development Plan and recorded either before or at the time of the first Specific Implementation Plan.

62. Approval of the planned unit development is subject to the applicant's response to the recommendations of the Pedestrian, Bicycle, Motor Vehicle Commission (dated October 4, 2005), including a provision that approval of the development requires the creation of a Transportation Management Association (TMA) for smaller employers and a requirement that all small employers join the TMA.

Please note that the City Real Estate Office is reviewing the report of title provided with the final plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

After the **planned unit development** documents have been changed as per the above conditions, please file **eight (8) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. Specific questions regarding comments or conditions should be directed to the commenting agency.

The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Sec. 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

Any appeal regarding the **final plat**, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter.

If you have any questions regarding recording this PUD or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, do not hesitate to contact me at 266-4635.

Sincerely,

Bill Roberts
Planner

For Official Use Only, Re: Final Plan Routing		
	Planning Unit (B. Roberts)	Madison Water Utility
	Zoning Administrator	Parks Division
	City Engineering	Urban Design Commission
	Traffic Engineering	Recycling Coordinator
	Fire Department	Other:

- cc: Gary Dallman, City Engineering
John Leach, Traffic Engineering
John Lippitt, Madison Fire Department
Kathy Voeck, Assistant Zoning Administrator
Alan Larson, Madison Water Utility
Jeff Ekola, Real Estate Unit
Norb Scribner, Dane County Land Records and Regulations